

DRAFT REVISIONS March 20, 2013

310 CMR 7.24(3) Stage I Vapor Recovery

(a) Applicability

1. No person who owns, leases, operates or controls a motor vehicle fuel storage tank having a capacity greater than 250 gallons and located at a motor vehicle fuel dispensing facility that does not dispense a total of more than 500,000 gallons of motor vehicle fuel in any calendar year after [the effective date of regulation], shall allow the transfer of motor vehicle fuel into the motor vehicle fuel storage tank unless the vapors displaced from the motor vehicle fuel storage tank are processed by:
 - a. a Stage I Non-Enhanced Vapor Recovery System approved by CARB pursuant to the Executive Orders listed in 310 CMR 7.24(3)(b)2: Table 2.; or
 - b. a Stage I System pursuant to 310 CMR 7.24(3)(a)2.a.or b..
2. Within 5 years of the last day of any calendar year in which a total of 500,000 gallons or more of motor vehicle fuel is dispensed, no person who owns, leases, operates or controls a motor vehicle fuel storage tank having a capacity greater than 250 gallons and located at a motor vehicle fuel dispensing facility that commenced operations before [the effective date of this amendment] shall allow the transfer of motor vehicle fuel into the motor vehicle fuel storage tank unless the vapors displaced from the motor vehicle fuel storage tank are processed by:
 - a. a CARB certified Stage I Enhanced Vapor Recovery System that meets all terms and conditions of any one of the CARB-approved Phase I (Stage I) Enhanced Vapor Recovery Executive Orders listed in 310 CMR 7.24 (3)(b)1.: Table 1; or
 - b. a third-party certified Stage I Enhanced Vapor Recovery System consisting of individual Stage I components listed in one or more of the Executive Orders listed in 310 CMR 7.24(3)(b)1.: Table 1.
3. No person who owns, leases, operates or controls a motor vehicle fuel storage tank having a capacity greater than 250 gallons that was installed after [the effective date of the regulations], and is located at a motor vehicle fuel dispensing facility that dispenses a total of 500,000 gallons or more of motor vehicle fuel in any calendar year after [the effective date of this amendment], shall allow the transfer of motor vehicle fuel into the motor vehicle fuel storage tank unless the vapors displaced from the motor vehicle fuel storage tank are processed by a Stage I Enhanced Vapor Recovery System that meets all terms and conditions of any one of the CARB-approved Phase I (Stage I) Enhanced Vapor Recovery Executive Orders listed in 310 CMR 7.24 (3)(b)1.: Table.
4. 310 CMR 7.24(3) shall not apply to:

- a. Stationary motor vehicle fuel storage tanks of less than 550 gallons capacity used exclusively for farm or residential use provided the storage tanks are equipped with submerged fill pipes; or
- b. Transfers made to motor vehicle fuel storage tanks equipped with floating roofs which have been approved by the Department under 310 CMR 7.24(1).

(b) The Department adopts:

1. All terms and conditions of the CARB certified Stage I Enhanced Vapor Recovery System Executive Orders listed in 310 CMR 7.24(3)(b): Table 1., as issued and amended by CARB on or before [effective date of this amendment], as applicable to a Stage I System required under 310 CMR 7.24(3)(a)1., 2. or 3.

Table 1: Stage I Enhanced Vapor Recovery Executive Orders

Executive Order Number	Description	Date
VR-101-M	Phil-Tite Phase I Vapor Recovery System	May 24, 2012
VR-102-L	OPW Phase I Vapor Recovery System	May 24, 2012
VR-103-F	EBW Phase I Vapor Recovery System	May 24, 2012
VR-104-F	CNI Manufacturing Phase I Vapor Recovery System	May 24, 2012
VR-105-C	EMCO Wheaton Retail Phase I Vapor Recovery	September 14, 2009

2. All terms and conditions of the Stage I Non-Enhanced Vapor Recovery System Executive Orders listed in 310 CMR 7.24(3)(b)2.: Table 2, as issued and amended by CARB on or before [the effective date of this amendment], as applicable to a Stage I System required under 310 CMR 7.24(3)(a)1.a.

Table 2: Stage I Non-Enhanced Vapor Recovery Executive Orders

Number	Description	Date
G-70-2-G	Relating to the Modification of the Certification of the OPW Model A-7 2 Point Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	9/14/84

G-70-4-A	Relating to the Modification of the Certification of the Emco-Wheaton Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	8/23/77
G-70-5	Relating to the Certification of the Parker Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	10/7/76
G-70-6	Relating to the Certification of the OPW System Y Type 2, Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	4/26/77
G-70-8	Relating to the Certification of the Chevron Vapor Recovery Transfer System for Use on Delivery Tanks	7/13/77
G-70-9-A	Relating to the Modification of the Certification of the "Teed" Vapor Recovery System for Existing Underground Storage Tanks Facilities with Throughputs less than 9,000 Gallons per Month	11/18/77
G-70-10-A	Relating to the Modification of the Certification of the Vapor Recovery System for Delivery Tanks Equipped for Bottom Loading	11/18/77
G-70-20	Relating to the Modification of the Certification of the Texaco Phase I Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	8/21/78
G-70-34-A	Relating to the Modification of the Certification of the Parker Hannifin F428 Vapor Recovery Adapter for Military Delivery Tanks To Include The Parker Hannifin F428A	8/13/79
G-70-47-B	Relating to the Modification of the Certification of the OPW Coaxial Vapor Recovery System for Underground Storage Tanks at Gasoline Service Stations	9/14/84
G-70-50	Relating to the Certification of the Vapor Recovery Kit For M857, M967, M969, and M970 Military Delivery Tanks	12/5/79
G-70-97-A	Stage I Vapor Recovery Systems for Underground Gasoline Tanks at Service Stations	12/9/85
G-70-102-A	Certification of a Phase I Vapor Recovery System for Aboveground Storage Tanks with less than 40,000 Gallons Capacity for Gasoline or Gasoline/Methanol Blended Fuels	5/25/93
G-70-106	Relating to the Adoption of "Test Procedure Gasoline Cargo Tanks" as an Equivalent Method for the Year-round Performance Standards for Gasoline Cargo Tanks.	1/27/86

(c) Stage 1 System Installation, Operation, Maintenance and Record Keeping

1. Any person required to have a Stage I System pursuant to 310 CMR 7.24(3) shall:

- a. Transfer motor vehicle fuel into the motor vehicle fuel storage tank or tank truck through Submerged Filling by a fill pipe with a discharge point cut to a 45 degree angle and located:
 - i. no more than 12 inches from the bottom of the storage tank for submerged fill pipes installed on or before November 9, 2006; or
 - ii. no more than 6 inches from the bottom of the storage tank for submerged fill pipes installed after November 9, 2006.
- b. Upon Stage II decommissioning in accordance with 310 CMR 7.24(6)(a) or no later than 45 days after [effective date of amendment]:
 - i. install a pressure/vacuum vent cap, listed in any one of the CARB Executive Orders in 310 CMR 7.24(3)(b)1.: Table 1, on all motor vehicle fuel storage tanks; and
 - ii. install CARB-approved enhanced vapor recovery rotatable product and vapor adaptors at motor vehicle fuel facilities with two-point Stage I systems.
- c. Upon conducting a Stage I Substantial Modification, ensure that:
 - i. multiple motor vehicle fuel storage tanks are manifolded at the tanks with a vapor space tie bar; and
 - ii. any newly installed motor vehicle fuel storage tanks are equipped with a two-point Stage I system and not a co-axial system.
- d. Install, operate, repair, and maintain the Stage I System in accordance with the following requirements, as applicable to the Stage I System:
 - i. for a Stage I Non-Enhanced Vapor Recovery System, all terms and conditions of the applicable Executive Order in accordance with 310 CMR 7.24(3)(b)2. Table 2.;
 - ii. for a CARB certified Stage I Enhanced Vapor Recovery System, all terms and conditions of the applicable Executive Order in accordance with 310 CMR 7.24(3)(b): Table 1.; or
 - iii. for a third-party certified system, all terms and conditions of the third-party certification in accordance with 310 CMR 7.24(3)(c)2.
- e. Visually inspect the Stage I System weekly and within 24 hours of a motor vehicle fuel drop to determine that the system and its components are unbroken, correctly installed and functioning. Each visual inspection shall include, but not be limited to, inspection of: coaxial adaptors; dry breaks; fill caps and gaskets; vapor recovery caps and gaskets; spill containment boxes; and drain valves and pressure vent valves.

i. Visual inspections shall be performed only by a person who is trained to operate and maintain the Stage I system pursuant to the applicable requirements of 7.24 (3)(c)1.d.; and

ii. A current record of all persons trained shall be maintained on site and include the date training was last received and the trainee's printed name and signature acknowledging receipt of the training.

f. Upon determining during a visual inspection that a Stage I system component is incorrectly installed, non-functioning or broken, as required by 310 CMR 7.24(3)(c)1.e. the person shall:

i. immediately repair the component, or :

ii. if immediate repairs cannot be made, repair the component within 30 days of the visual inspection date.

iii. If a component cannot be repaired within 30 days of the visual inspection date, stop receiving deliveries of motor vehicle fuel until the component is repaired.

2. Any person who intends to install a third-party certified Stage I Enhanced Vapor Recovery System pursuant to 310 CMR 7.24(3)(a)2.b.shall:

a. have the Stage I components tested and certified as a system by a qualified, independent, third-party engineering firm to demonstrate that that components in use as a system achieve a minimum efficiency of 98.0 percent vapor emission control.

b. have the third-party testing conducted in accordance with:

i. CARB test procedure CP-201 Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities; or

ii. An alternative testing procedure certified by the third party to meet the performance standards and specifications established by CARB CP 201.3, Phase I Performance Standards and Specifications. The certification shall demonstrate that the system has met these performance standards and specifications for a full range of operating conditions that are representative of local weather conditions.

c. The third-party certification shall be submitted to the Department at least 60 days prior to installation of the Stage I system and shall include the test results, with all supporting documentation, a list of the tested Stage I components, performance standards and specifications for the system, as well as the standards for installation of the equipment, training required for system installers, and requirements for ongoing operation and maintenance.

d. Conflict of Interest _ *MassDEP is seeking stakeholder comment on this section.*

3. Record Keeping. Any person required to have a Stage I System pursuant to 310 CMR 7.24(3) shall retain, on-site in a centralized location in either hard copy or electronic

documents, the following records:

- a. all of the facility's visual inspection checklists for the prior rolling twelve-month period, identifying:
 - i. the date each inspection was performed and the signature of the person who performed the inspection;
 - ii. any Stage I System component determined to be incorrectly installed, non-functioning or broken;
 - iii. whether the identified incorrectly installed, non-functioning or broken component was immediately repaired, or repaired within 30 days, or if the facility stopped receiving deliveries of motor vehicle fuel; and
 - iv. the date the incorrectly installed, non-functioning or broken component was repaired.
- b. A copy of compliance testing company test results for compliance tests performed during the prior rolling twelve-month period as required by 310 CMR 7.24(3)(d) in connection with a Stage I Minor Modification or an installation or Stage I Substantial Modification.
- c. A copy of the Stage I System's most recent In-Use Compliance Certification.
- d. The date and type of Stage I Routine Maintenance performed in the most recent rolling twelve-month period.
- e. All records required to be maintained shall be made available to the Department or the US EPA immediately upon request. If requested records cannot be made immediately available, requested records shall be delivered to the Department or the US EPA, as applicable, within 24 hours of the initial request.
- f. Monthly motor vehicle fuel throughput records by gallon, for the most recent rolling 36-month period, including fuel received and fuel dispensed in gallons.

(d) Stage I Compliance Testing and Certification

1. Compliance Tests. Any person subject to 310 CMR 7.24 (3) shall conduct the following compliance tests, as applicable:

- a. for all Stage I systems:
 - i. Pressure Decay 2 inch Test, per CARB test procedure TP-201.3;
 - ii. Vapor Tie Test, per San Diego Air Pollution Control District test procedure TP-96-1, section 5.1.9;
 - iii. Pressure/Vacuum Vent Valve Test, per CARB test procedure TP-201.1E;
 - iv. Static Torque Rotatable Adaptor Test per CARB Test Procedure-201.1B;and;
- b. for Stage I Enhanced Vapor Recovery Systems only, either Leak Rate of Drop Tube/Drain Valve Assembly Test per CARB Test Procedure-201.1 C

or Leak Rate of Drop Tube/ Overfill Prevention Devices per CARB Test Procedure-201.1D.

2. Stage I Routine Maintenance or Minor Modification.

a. A record of all routine maintenance shall be maintained in accordance with 310 CMR 7.24 (3) (c) 3. Compliance testing and submittal of a compliance certification to the Department is not required.

b. For a Minor Modification, applicable compliance tests shall be performed and passed prior to commencing system operation and a record of the modification and test results shall be maintained in accordance with 310 CMR 7.24(3)(c)3. Submittal of a compliance certification to the Department is not required.

3. Stage I Installation or Substantial Modification. Any person subject to 310 CMR 7.24(3) who installs a Stage I System or makes a Stage I Substantial Modification after [the effective date of this regulation], shall, prior to commencing operation, perform and pass all applicable compliance tests listed in 310 CMR 7.24(3)(d)1 and submit to the Department within 7 days of performing and passing the tests, a fully completed and signed Installation/Substantial Modification Certification, on a form obtained from the Department, attesting to the following:

a. The installed or substantially modified Stage I system has been installed, repaired or modified in accordance with the applicable requirements of 310 CMR 7.24(3)(c).

b. The applicable compliance tests as listed in 310 CMR 7.24(3)(d)1. were performed and passed.

c. The applicable tests were performed and passed not more than 30 days prior to the submission date of the Certification to the Department.

i. If hand-delivered, the submission date is the date of the receipt stamp;

ii. If mailed, the submission date is the date of the postmark;

iii. If electronically submitted, the submission date will be the date that the electronic submission is received by the Department.

4. In-Use Compliance Certification. Except as provided in 310 CMR 7.24(3)(d)5:

a. Any person subject to 310 CMR 7.24(3) shall annually submit to the Department a fully completed and signed In-Use Compliance Certification, on a form obtained from the Department.

b. Any person subject to 310 CMR 7.24(3)(a). shall attest to the following:

- i. The Stage I System is operated and maintained in accordance with the applicable requirements of 310 CMR 7.24(3)(c).;
- ii. The compliance tests listed in 310 CMR 7.24(3)(d)1. as applicable to the Stage I System, were performed and passed not more than 30 days prior to the submission date, as specified in 310 CMR 7.24(d)3.c., of the annual In-Use Compliance Certification.

5. Alternative In-Use Compliance Certification.

- a. Any person subject to 310 CMR 7.24(3)(a)2.a or 2. b who submits two consecutive In-Use Compliance Certifications attesting that all applicable in-use compliance tests were passed on the first try, as certified pursuant to 310 CMR 7.24(3)(g)8., may elect to submit to the Department an alternative In-Use Compliance Certification on a form obtained from the Department.
- i. The Alternative In-Use Compliance Certification shall be subject to all applicable Stage I compliance tests listed in 310 CMR 7.24(3)(d)1. in the second year following the submittal of two consecutive years of annual In-Use Compliance Certifications, and every other year thereafter.
- b. Any person submitting an alternative In-Use Compliance Certification and fails one or more compliance certification tests on the first try shall comply with the requirements of 310 CMR 7.24(3)(d)4., until such time as the person meets the requirements in 310 CMR 7.24(3)(d)5.

6. The date for submitting an annual Certification required pursuant to 310 CMR 7.24(3)(d)4. and 7.24(3)(d)5. is no later than:

- a. For persons who install a Stage I System or make a Stage I Substantial Modification, the anniversary of the submission date of the Installation Compliance Certification or the date the facility commenced operation, whichever occurs first; and
- b. For all other persons subject to 310 CMR 7.24(3), May 1, or a date otherwise provided by the Department. Persons who are provided an annual submittal date by the Department shall be notified by the Department of their first annual submittal date and required in-use compliance tests no less than 90 days prior to the first submittal date established by the Department.
- c. If a person requests a change in submittal date, the Department may revise the annual certification submittal date and shall set a revised submittal date that is no

more than 12 months, as applicable, after the otherwise applicable submittal date.

7. Any person who owns, leases, operates or controls a Stage I system that fails one or more in-use compliance tests required by 310 CMR 7.24(3)(d)1. shall immediately:

- a. repair the incorrectly installed, non-functioning or broken component in accordance with 310 CMR 7.24(3)(c)
- b. re-test until each failed test is passed; and
- c. submit to the Department the required In-Use Compliance Certification on or before the facility's In-Use Compliance Certification submittal date or within 30 days of the date of the first passing test result whichever occurs first.

8. If a Stage I System fails one or more required in-use compliance tests and the system cannot be repaired as required by 310 CMR 7.24(3)(d)7., the person who owns, leases, operates or controls the storage tank shall stop receiving deliveries of motor vehicle fuel until all incorrectly installed, non-functioning or broken components are correctly repaired in accordance with the applicable requirements of 310 CMR 7.24(3)(c)1.d.

9. Any Certification submitted to the Department as required by 310 CMR 7.24(3)(d) shall be signed by a Stage I System Responsible Official as required by 310 CMR 7.24(3)(d).

10. Any person subject to 310 CMR 7.24(3), upon written notice from the Department, shall perform such compliance tests as the Department determines necessary to demonstrate the Stage I system is installed and maintained in accordance with the applicable requirements of 310 CMR 7.24(3).c. and shall submit the results to the Department within 14 days of the performance of said tests.

11. Compliance tests performed to meet the requirements of 310 CMR 7.24(3)(d) shall be performed only by a person or Stage I or Stage II compliance testing company that has submitted a Compliance Testing Company Notification to the Department as required by 310 CMR 7.24(3)(g) 1.

(e) Notification Requirements.

1. Any person, upon entering into a purchase, lease or other contractual agreement by which said person becomes the owner, operator, lessee or controller of an existing motor vehicle fuel storage tank subject to 310 CMR 7.24(3) shall submit to the Department, within 30 days of the effective date of becoming such an owner, operator, lessee or controller or within 10 days of a written request from the Department, a fully completed New Stage I System Owner, Operator, Lessee or Controller Notification on a form obtained from the Department.

- a. The Notification shall include the following:
 - i. the name of the new Stage I system owner, operator, lessee or controller and related business documentation, including the name and address of the facility where the Stage I system is located or from which a truck equipped with a motor vehicle fuel storage tank engaged in the direct dispensing of motor vehicle fuel to a motor vehicle, motor vehicle fuel powered equipment, or portable container is principally operated; and
 - ii. the effective date that the person became the new owner, operator, lessee or controller.
 - b. The Notification shall be signed by the individual who is a Stage I Responsible Official for the new owner, operator, lessee or controller regarding the Stage I system, who shall attest to the following:
 - i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;
 - ii. I am fully authorized to make this attestation on behalf of this facility or truck, as applicable.
2. Any person subject to 310 CMR 7.24(3), upon entering into a sale, lease or other contractual agreement by which the person relinquishes his or her authority as an owner, operator, lessee or controller of a motor vehicle fuel storage tank subject to 310 CMR 7.24(3), shall submit to the Department, within 30 days of the effective date of the sale, lease or other contractual agreement, a signed letter notifying the Department of the following:
- a. the name of the person relinquishing authority as an owner, operator, lessee or controller of the motor vehicle fuel storage tank subject to 310 CMR 7.24(3), the facility name, DEP Facility Account Number and address or the address from which a truck equipped with a motor vehicle fuel storage tank engaged in the direct dispensing of motor vehicle fuel to a motor vehicle, portable container, or motor vehicle fuel-powered equipment is principally operated, as applicable;
 - b. the name of the new owner, operator, lessee or controller of the motor vehicle fuel storage tank subject to 310 CMR 7.24(3) and related business information, including the new facility name and address or the address from which a truck engaged in the direct dispensing of motor vehicle fuel to a motor vehicle or portable container is principally operated, as applicable, phone number, email address; and
 - c. the effective date of the change of owner, operator, lessee or controller.

3. Any person subject to the requirements of 310 CMR 7.24(3) seeking to permanently or temporarily take out-of-service an existing motor vehicle fuel storage tank shall submit to the Department a fully completed and signed Stage I System Closure Notification, on a form obtained from the Department.

- a. The Stage I System Closure Notification shall include, but not be limited to:
 - i. the name of the Stage I facility owner, operator, lessee or controller and related business information;
 - ii. the DEP Facility Account #;
 - iii. the name and address of the facility where the Stage I system is located; and
 - iv. the date the Stage I system was permanently or temporarily taken out-of-service.
- b. Stage I systems shall not be temporarily out-of-service for more than:
 - i. Six (6) months if the Stage I systems is installed on a single-walled tank.
 - ii. Twenty-four (24) months if the Stage I systems is installed on a double-walled tank.
- c. Any person who owns, leases, operates or controls a Stage I system that is temporarily out-of-service in accordance with 310 CMR 7.24(3)(e) 3. shall, prior to recommencing the dispensing of motor vehicle fuel, perform and pass all applicable compliance tests and submit to the Department a fully completed Installation/Substantial Modification Certification as required by 310 CMR 7.24(3)(d)3.
- d. Any Notification submitted to the Department as required by 310 CMR 7.24(6)(e) shall be signed by a Stage I System Responsible Official as required by 310 CMR 7.24(3)(f).

(f) Stage I System Responsible Official Certification of Compliance.

1. Except in circumstances described in 310 CMR 7.24(3)(f)2., any Certification required by 310 CMR 7.24(3)(d) or Notification required by 310 CMR 7.24(3)(e) shall be signed by an individual who is a Responsible Official regarding Stage I system compliance.

2. For Stage I systems owned by one party and leased, operated or controlled by another independent party and where both parties have separate Stage I compliance responsibilities, any Certification submitted pursuant to 310 CMR 7.24(3)(d) or Notification submitted pursuant to 310 CMR 7.24(3)(e) shall be signed by Responsible Officials for each party regarding Stage I system compliance. Each Stage I System Responsible Official shall attest to the following:

i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;

ii. that systems to maintain compliance are in place at the facility or, the location from which a truck equipped with a motor vehicle fuel storage tank engaged in the direct dispensing of motor vehicle fuel to a motor vehicle or portable container is principally operated and will be maintained for the coming year even if the processes or operating procedures are changed over the course of the year; and

iii. I am fully authorized to make this attestation on behalf of this facility or tank truck, as applicable.

(g) Compliance Testing Company Requirements

1. On or after March 1, 2009, any person who owns, leases, operates or controls a company that performs Stage I compliance tests to meet the requirements of 310 CMR 7.24(3)(c) shall submit to the Department a fully completed Compliance Testing Company Notification, on a form obtained from the Department, prior to performing any required Stage I compliance test.

a. The Notification shall include the following:

i. the name and business mailing address of the Stage I compliance testing company owner, operator, lessee or controller;

ii. the name and address of any business that is engaged in the installation or Substantial Modification of Stage I systems and is owned, operated, leased or controlled by, or affiliated with the owner, operator, lessee or controller of the compliance testing company;

iii. the name and address of any motor vehicle fuel dispensing facility or truck subject to 310 CMR 7.24(3) that is owned, operated, leased or controlled by, or affiliated with the owner, operator, lessee or controller of the compliance testing company;

iv. the address and telephone number of the facility(ies) from which the daily compliance testing activities of the compliance testing company originate and at which any records required by 310 CMR 7.24(3)(g)10. are maintained;

v. a written description of the employee training systems in place at the compliance testing company to ensure required compliance tests are

performed as required by applicable protocols and procedures, pursuant to 310 CMR 7.24(3)(g)6. and 7.; and

vi. a list of all Compliance Testing Company Responsible Officials with the authority to sign Compliance Testing Company Certifications on behalf of the compliance testing company.

b. Each Notification shall be signed by an individual who is a Responsible Official regarding the compliance testing company, who shall attest to the following:

i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;

ii. Employee training systems are in place at the company to ensure Stage I compliance tests are performed as required by all applicable protocols and procedures and such training systems will be maintained for the coming year even if the protocols and procedures are changed over the course of the year; and

iii. I am fully authorized to make this attestation on behalf of this Compliance Testing Company.

2. Any person subject to the requirements of 310 CMR 7.24(3)(g) shall notify the Department in writing of any change to the information submitted to the Department pursuant to 310 CMR 7.24(3)(g) 1. within 14 days of the effective date of such change. Upon the Department's written request, the person shall submit a fully revised and completed Notification to the Department as required by the requirements of 310 CMR 7.24(3)(g)1.

3. No person subject to 310 CMR 7.24(3)(g) shall perform any Stage I compliance test unless said person has first been trained in accordance with the applicable compliance test protocols and procedures required by 310 CMR 7.24(3)(c)1.d.

4. Any person subject to the requirements of 310 CMR 7.24(3)(g) shall submit, at least once every two weeks, a written list to the Department identifying all motor vehicle fuel storage tanks at which the company is scheduled to perform required Stage I compliance test(s) over the next 14 day period.

a. The list shall be organized by Department region and date, and shall include the name and address of each motor vehicle fuel storage tank to be tested, the applicable section under 310 CMR 7.24(3)(d) 2., 3., or 4., the required compliance

tests to be performed, and the estimated time that the company expects to arrive at the facility location.

b. The Department shall be notified, in writing, of any change of date of an individual facility's scheduled compliance tests no later than 9:00 a.m. of the day the scheduled test(s) is to occur. Additions to a submitted compliance-testing schedule shall be submitted to the Department, in writing, no less than two working days prior to the date of any scheduled test.

c. Failure to comply with the Notification requirements of 310 CMR 7.24(3)(g)

4. may be a basis for the Department to determine that tests conducted after inadequate notice are invalid.

5. Any person subject to the requirements of 310 CMR 7.24(3)(g) shall immediately notify the Department of any failed Stage I compliance tests performed as required by 310 CMR 7.24(3)(d) if the person did not return to retest the Stage I system as required by 310 CMR 7.24(3)(d)7. on or before the facility's Annual In-Use Compliance Certification submittal date, or within 30 days of the date of the Stage I system's first passing test result, whichever occurs first. the person shall notify the Department regarding the name and address of the facility, and the facility's Facility Account Number.

6. Any person subject to 310 CMR 7.24(3)(g) shall perform compliance tests to meet the requirements of 310 CMR 7.24(3)(d) only upon confirmation that:

a. all Stage I system components including, but not limited to: spill containment and dry break buckets; bucket plow rings; "O" rings and seals; product adaptors; vapor adaptors; product caps; vapor caps; monitor caps; riser caps; drain valves; product drop tubes; overfill prevention devices; and pressure vacuum vent valves are installed as required and are the correct components pursuant to the requirements of 310 CMR 7.24(3)(a).; and

b. all motor vehicle fuel dispensing facilities with two or more motor vehicle fuel storage tanks are properly manifolded pursuant to the requirements of 310 CMR 7.24(3)(c)1.c.i.

7. Any person subject to 310 CMR 7.24(3)(g), shall perform Stage I compliance tests on all Stage I systems to meet the requirements of 310 CMR 7.24(3) only in accordance with the applicable test procedures cited below:

a.	CARB TP-201.1B	Static Torque of Rotatable Phase I Adaptors	October 8, 2003
b.	CARB TP-201.1C	Leak Rate of Drop Tube/Drain Valve Assembly	October 8, 2003
c.	CARB TP-201.1D	Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves	October 8, 2003
d.	CARB TP-201.1E	Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves	October 8, 2003

e.	TP-96-1, section 5.1.9	Underground Piping Check (Vapor Tie Test), San Diego County Air Pollution Control District Test Procedure	March 1, 1996
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8. Any person subject to 310 CMR 7.24(3)(g) shall certify to the Department that each compliance test performed to meet the requirements of 310 CMR 7.24(3)(d) was performed as required by 310 CMR 7.24(3)(g) 6. and 7. As applicable, the Certification shall be submitted on a Stage I Installation/Substantial Modification Certification or In-Use Compliance Certification and shall include:

- a. the date each compliance test was first performed and the result; and
- b. the date each compliance test was performed and passed.

9. Each Certification submitted pursuant to 310 CMR 7.24(3)(g)8. shall be fully completed and signed by a Compliance Testing Company Responsible Official, who shall attest to the following:

- a. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and
- b. I am fully authorized to make this attestation on behalf of this Compliance Testing Company.

10. Any person subject to 310 CMR 7.24(3)(g) shall maintain the following records on site, for a minimum of five years, at the location(s) referenced on the form submitted pursuant to 310 CMR 7.24(3)(c)2:

- a. A complete set of records of compliance tests performed to meet the requirements of 310 CMR 7.24(3)(c). Such records shall include, by facility address:
 - i. the date and first result for each required test performed;
 - ii. the date each test was performed and passed; and
 - iii. an itemized list of all Stage I system components re-installed, repaired or replaced as necessary for the system to pass the applicable test(s).
- b. A current record of all persons or employees trained as required by 310 CMR 7.24(3)(c)1.d. Such record shall include the following:

- i. the date training was received;
- ii. the person or employee's printed name; and
- iii. the signature of the person or employee acknowledging receipt of required training.

11. All records maintained pursuant to 310 CMR 7.24(3)(g)10. shall be made available to the Department or the US EPA immediately upon the request of either.

(h) Violations of 310 CMR 7.24(3)

Any failure to comply with 310 CMR 7.24(3), or the terms and conditions of any order, permit, authorization, determination, certification, prohibition or approval issued under 310 CMR 7.24(3) shall constitute a violation of 310 CMR 7.24(3). Nothing in 310 CMR 7.24(3), or in any order issued pursuant thereto, shall be construed to limit any right of the Department to take enforcement action pursuant to any other authority.

(k) Enforcement Provisions

The provisions and requirements of 310 CMR 7.24 (3)(a) and (b) are subject to the enforcement provisions specified in 310 CMR 7.52.